

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMERICAN CAPITAL HOMES, INC., a
Washington Corporation; AMERICAN
PROPERTY DEVELOPMENT, INC., a
Washington Corporation; AMERICAN
PROPERTY DEVELOPMENT OF
NORTHERN CALIFORNIA, LLC, a
Washington Limited Liability Company;
ROGER KUULA, an individual; and GREG
BORREGO, an individual,

Plaintiffs,

v.

GREENWICH INSURANCE COMPANY, a
foreign corporation, and THE XL AMERICA
INSURANCE GROUP, a foreign
corporation,

Defendants.

No.: 09-00622 JCC

**AGREED MOTION TO CONTINUE
TRIAL DATE AND CERTAIN PRE-
TRIAL DEADLINES**

NOTED: April 2, 2010

I. INTRODUCTION/RELIEF REQUESTED

Defendant Greenwich Insurance Company ("Greenwich"), with the consent of and by
agreement with Plaintiffs, respectfully moves this Court for an Order extending the trial date
by approximately two months along with certain pre-trial deadlines, including the dispositive
motion deadline, to permit Plaintiffs to complete their document production and for

1 Greenwich to take depositions that were noticed before the discovery cut-off of March 10,
2 2010.

3 **II. STATEMENT OF FACTS**

4 As reflected in this Court's minute order entered on July 27, 2009 [Dkt. No. 16], trial
5 in this matter is set for July 12, 2010, and the corresponding dispositive motion deadline is
6 April 13, 2010. The discovery cut-off was set for March 10, 2010.

7 The parties timely concluded most of their discovery, including written discovery,
8 document requests and depositions.

9 Although the parties have been working diligently to complete the production of
10 documents and all noticed depositions, document production delays have made it impossible
11 to finish this discovery before the current dispositive motion cut-off of April 13, 2010. To
12 facilitate the orderly completion of discovery before dispositive motions are due, and to
13 allow the Court sufficient time to rule on any such motions that are filed, the parties believe
14 that a brief delay in the trial schedule is warranted.

15 The parties agree that no new fact discovery should be issued without agreement of
16 the parties or by Court order for good cause, but that the time for completing the previously
17 noticed depositions and any other discovery issued before the cut-off should be extended to
18 June 25, 2010.

19 The parties request a new trial date between September 13 and 27, 2010, and request
20 that all pre-trial dates, including the dispositive motion deadline, be extended in accordance
21 with the newly set trial date. The parties anticipate that trial will last no more than one week.
22 If those dates are not available for the Court, then the parties would request a short status
23 conference or call to coordinate trial calendars.

24 This is the first extension of the trial date requested by any party in this action.

25 **III. AUTHORITY**

26 Under FRCP 16(b)(4), the Court is authorized to modify the case schedule upon a
showing of good cause. Given that this is the first request to extend the trial schedule and the

1 fact that the parties are in agreement to continue the trial date, good cause exists to grant the
2 relief requested in this motion.

3 **IV. CONCLUSION**

4 Greenwich requests that the Court grant this motion and modify the dates in the case
5 schedule to match those set out in the statement of facts above.

6 DATED: April 1, 2010

7 Bullivant Houser Bailey PC

8
9 /s/ Matthew J. Sekits

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14 Attorneys for Defendants

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19 DATED: April 1, 2010

20 Cairncross & Hempelmann, P.S.

21 /s/ John E.D. Powell

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24 Attorneys for Plaintiffs

25 Cairncross & Hempelmann, P.S.

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Seattle, Washington 98104-2323

206.587.0700

[PROPOSED] ORDER

IT IS SO ORDERED.

Dated: _____

JUDGE JOHN C. COUGHENOUR

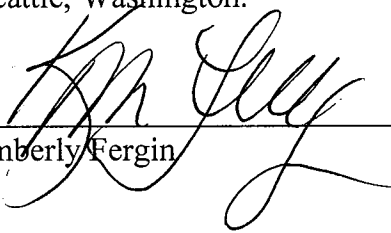
CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2010, a true and correct copy of the foregoing document was served on the following:

John E.D. Powell
Cairncross & Hempelmann, P.S.
524 Second Ave., Ste. 500
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<input type="checkbox"/>	U.S. Mail
<input type="checkbox"/>	Facsimile
<input type="checkbox"/>	Hand Delivery
<input checked="" type="checkbox"/>	Electronic Email

Dated April 2, 2010 at Seattle, Washington.



Kimberly Fergin